



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government** – The bill adds an additional restriction to s. 322.16, F.S., “License restrictions”.

**Safeguard Individual Liberty** – The bill restricts certain individuals under the age of 18 from carrying more than three underage passengers in a vehicle.

**Empower Families** – The bill limits the control a parent has in determining the safest number of passengers for the vehicle of their child.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

“Graduated licensing” is a system for phasing in on-road driving, allowing beginners to get their initial experience under conditions that involve lower risk and introducing them in stages to more complex driving situations. This involves three stages: a supervised learner’s period (at least 6 months in optimal systems), an intermediate licensing phase that permits unsupervised driving only in less risky situations, and finally a full-privilege license (once the conditions of the first two stages are met).<sup>1</sup>

A number of states include passenger restrictions for teenage drivers as a component of their graduated licensing systems. Passenger presence is a major contributor to the teenage crash rate. According to the National Highway Traffic Safety Administration, half of all crash deaths that involve 16-year-old drivers occur when the beginners drive with teenage passengers. The table below lists examples of passenger restrictions in the United States.

**Passenger Restrictions in the United States, as of January 2007<sup>2</sup>**

State	Min. Age Unsupervised Driving	Restriction on Passengers (family members excepted unless otherwise noted)	Min. Age at Which Restriction May Be Lifted
California	16	First 12 mo.: No passengers younger than 20 (limited exception for immediate family)	17
Florida	16	None	N/A
Georgia	16	First 6 mo.: No passengers; Second 6 mo.: No more than 1 passenger younger than 21; Thereafter, no more than 3 passengers	18
Kentucky	16, 6 mo.	No more than 1 passenger younger than 20 unless supervised by a driving instructor	17
North Carolina	16	No more than 1 passenger younger than 21 (family members exempted); if a family member younger than 21 is already a passenger then no other passengers younger than 21 are allowed.	16, 6 mo.
South Carolina	15, 6 mo.	No more than 2 passengers younger than 21 (exceptions: family members and driving students to and from school)	16, 6 mo.

<sup>1</sup> This information taken from the Insurance Institute for Highway Safety’s website, specifically the data at this page: <http://www.iihs.org/research/qanda/gdl.html>. (Accurate as of October 2, 2007).

<sup>2</sup> Insurance Institute for Highway Safety

According to the Florida Department of Highway Safety and Motor Vehicles (DHSMV), drivers age 15 to 19 in the state of Florida have the highest rate per 10,000 licensed drivers of crash involvement and the highest rate in fatal crashes.<sup>3</sup> Sixteen-year-old drivers have crash rates that are three times greater than 17-year-old drivers, five times greater than 18-year-old drivers, and twice the rate of 85-year-old drivers, according to the National Highway Traffic Safety Administration.

Underage passengers may influence the risk-taking behavior of teenage drivers, resulting in unsafe behaviors that lead to accidents and increased injuries and fatalities for drivers and their passengers.<sup>4</sup> A survey of 192 high school drivers reported that dangerous driving behaviors (driving after drinking alcohol or using drugs, speeding, swerving, crossing the center line, purposely skidding, and running a red light) were strongly associated with the presence of peers.<sup>5</sup>

Under current Florida law, the following operating restrictions are placed on a minor's driver's license:

- 15 years old (Learner's Permit) – May operate a vehicle only during daylight hours, but after 3 months, may operate a vehicle until 10pm. Must be accompanied by a holder of a valid driver's license who is at least 21 years of age.<sup>6</sup>
- Under 17 – Must be accompanied by a holder of a valid driver's license who is at least 21 years of age during the hours of 11:01pm and 5:59am, unless driving to or from work.<sup>7</sup>
- 17 years old – Must be accompanied by a holder of a valid driver's license who is at least 21 years of age during the hours of 1:01am and 4:59am, unless driving to or from work.<sup>8</sup>

Current statutes do not place limitations on the number of passengers an underage driver may carry in his or her vehicle. To earn an operator's license, a driver must be at least 16 years old and have held a learner's license for at least one year without any traffic convictions. A parent or guardian must certify that the teen has completed at least 50 hours of behind the wheel driving experience, of which 10 hours must have been at night.<sup>9</sup>

For the six-month period between June 1, 2007 and November 30, 2007, there were over 88,800 licenses issued to new drivers between the ages of 16 and 18, according to the DHSMV's driver's license issuance data.

### Proposed Changes

HB 77 restricts certain underage drivers from carrying underage passengers in the vehicle. For the first 6 months after receiving a license, a driver under the age of 18 may not carry any passenger under the age of 18. After 6 months, and until the driver reaches the age of 18, the driver may carry up to 3 passengers under the age of 18. These restrictions do not apply to siblings or children of the driver.

The bill provides that enforcement of these age restrictions shall be a secondary action, requiring a law enforcement officer to identify a primary offense in order to stop the vehicle. The bill also provides that violation of this provision is a noncriminal traffic infraction and is punishable as a moving violation (\$60 plus applicable court costs and 3 points assessed on the driver's license). As with other current noncriminal violations contained in s. 322.16(2) and (3), F.S., any person violating this section is required to receive a citation and appear before an official.

<sup>3</sup> "Traffic Crash Statistics Report 2005" (Florida Department of Highway Safety and Motor Vehicles, 2005).

<sup>4</sup> Mei-Li Lin and Kevin Fearn, "The Provisional License: Nighttime and Passenger Restrictions – A Literature Review," *Journal of Safety Research*, at 34 (2003).

<sup>5</sup> Li-Hui Chen, et al., "Carrying Passengers as a Risk Factor for Crashed Fatal to 16- and 17-Year Old Drivers", *JAMA* 283 (2000).

<sup>6</sup> s. 322.1615, F.S.

<sup>7</sup> s. 322.16(2), F.S.

<sup>8</sup> s. 322.16(3), F.S.

<sup>9</sup> s. 322.05(3), F.S.

The bill is consistent with Idea #65 from the book "100 Innovative Ideas for Florida's Future", which states, "To reduce distractions for teen drivers, Florida will limit the number of passengers who can be transported by drivers age eighteen and under."

The bill's exemption for sibling-passengers may create difficulties for law enforcement officers. Proof of such a relationship could be difficult to determine by a law enforcement officer since minors may or may not have state-issued identification cards. Also, even with an identification card, a law enforcement officer may not be able to determine family relationships due to different last names and residential addresses. An officer unable to make a positive familial identification would have to use his or her best judgment.

The bill could result in an increase in the number of teenage drivers on the road. Teenagers achieving driving age who may otherwise have intended to carpool would instead be required to travel in separate vehicles for a six-month period, under the language of the proposed bill.

C. SECTION DIRECTORY:

**Section 1.** Amends s. 322.16, F.S., to create a new restriction regarding passengers permitted in a vehicle operated by a person under the age of 18, to allow for exceptions to the restriction, and to specify penalties for violation of the restriction.

**Section 2.** Amends s. 318.14, F.S., to provide for citation procedures for violation of restriction.

**Section 3.** Provides an effective date of October 1, 2008.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

See Fiscal Comments, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

See Fiscal Comments, below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may create additional costs (e.g. fuel, additional vehicles, etc.) for families who rely on a driver under the age of 18 to transport multiple minors.

D. FISCAL COMMENTS:

The Department points out that the bill may result in the issuance of an increased number of citations. However, because it is impossible to forecast how many additional violations will occur and be cited, the fiscal impact on state and local governments is unknown.<sup>10</sup>

To the extent the bill could prevent or reduce vehicular crashes resulting in injuries or fatalities, associated medical and insurance costs could be reduced, thus impacting the public and private sectors.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

N/A

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

N/A

#### **D. STATEMENT OF THE SPONSOR**

No statement submitted.

### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

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<sup>10</sup> DHSMV Bill Analysis for HB 77 & SB 282, received October 18, 2007, on file with the Committee on Infrastructure.